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10 Attorneys for Plaintiffs,  
11 TIFFANY SHERNAMAN-VINYARD, WIFE OF KEITH VINYARD INDIVIDUALLY  
12 AND AS (GUARDIAN AD LITEM) FOR D. V. (A MINOR, SON OF KEITH  
13 VINYARD); W.V. (A MINOR, SON OF KEITH); M. S-V (A MINOR, DAUGHTER OF  
14 KEITH VINYARD); K.S. (A MINOR, SON OF KEITH VINYARD) AND E. S- C (A  
15 MINOR, SON OF KEITH VINYARD), THE ESTATE OF KEITH VINYARD  
16 (DECEDENT)

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28 **UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**

13 TIFFANY SHERNAMAN-VINYARD, }  
14 WIFE OF KEITH VINYARD }  
15 INDIVIDUALLY, AS SUCCESSOR IN }  
16 INTEREST FOR KEITH VINYARD }  
17 AND AS (GUARDIAN AD LITEM) }  
18 FOR D. V. (A MINOR, SON OF }  
19 KEITH VINYARD); W.V. (A MINOR, }  
20 SON OF KEITH); M. S-V (A MINOR, }  
21 DAUGHTER OF KEITH VINYARD) }  
22 K.S. (A MINOR, SON OF KEITH }  
23 VINYARD) AND E. S- C (A MINOR, }  
24 SON OF KEITH VINYARD), THE }  
25 ESTATE OF KEITH VINYARD }  
26 (DECEDENT)

27 Plaintiffs,  
28 v.

23 COUNTY OF SAN BERNARDINO, }  
24 SHANNON D. DICUS, SHERIFF, }  
25 AND JEREMY DEAN, CAPTAIN OF }  
THE HESPERIA PATROL STATION, }  
WORKING IN THE CAPACITY OF }  
THE ACTING CHIEF OF POLICE. and }  
DOES 1-10, inclusive,

27 Defendants.

28  
**GENERAL ALLEGATIONS**

1. COME NOW, TIFFANY SHERNAMAN-VINYARD, WIFE OF KEITH  
 2 VINYARD INDIVIDUALLY, AS SUCCESSOR IN INTEREST FOR KEITH  
 3 VINYARD AND AS (GUARDIAN AD LITEM) FOR D. V. (A MINOR, SON OF  
 4 KEITH VINYARD); W.V. (A MINOR, SON OF KEITH); M. S-V (A MINOR,  
 5 DAUGHTER OF KEITH VINYARD); K.S. (A MINOR, SON OF KEITH  
 6 VINYARD) E. S- C (A MINOR, SON OF KEITH VINYARD), AND THE  
 7 ESTATE OF KEITH VINYARD (DECEDENT) , who demand a jury trial and seek  
 8 monetary compensation against all Defendants, as follows:

9 **SUMMARY OF CLAIMS**

10. On March 23, 2024, Keith Vinyard was shot and killed by San Bernardino County  
 11 Sheriffs Deputies. He did not need to die. Their actions violated the civil rights of  
 12 Mr. Vinyard and his family. This lawsuit seeks justice for Keith and the family  
 13 that loved him, and misses him.  
 14. The actions of the defendants constituted an assault, a battery, violation of State  
 15 and Federal Civil Rights Acts including without limitation the Bane Act, Ralph  
 16 Act and 42 USC, section 1983. The actions of the defendants were also negligent,  
 17 created an intentional and negligent infliction of emotional distress and caused the  
 18 wrongful death of Mr. Vinyard.

19 **VENUE AND JURISDICTION**

20. This Court has original jurisdiction pursuant to 28 U.S.C. §§ 1331 and  
 21 1343(a)(3)-(4) because Plaintiffs assert claims arising under the laws of the United  
 22 States including 42 U.S.C. § 1983 and the Fourth and Fourteenth Amendments of  
 23 the United States Constitution. Venue is proper in this Court under 28 U.S.C. §  
 24 1391(b) because Defendants reside in this district and all incidents, events, and  
 25 occurrences giving rise to this action occurred in this district.

26 **THE PARTIES**

27. Plaintiff TIFFANY SHERNAMAN-VINYARD, at all times mentioned herein, was  
 28 an individual residing in the City of Hesperia, State of California. TIFFANY

1 SHERNAMAN-VINYARD is the wife of the decedent, KEITH VINYARD.  
2 TIFFANY SHERNAMAN-VINYARD, sues as an individual in her own right, and  
3 as the Personal Representative of the Estate of KEITH VINYARD  
4 Duise Adams, as defined by Section 377.60 of the California Code of Civil Procedure, as a  
5 successor in interest, heir, and personal legal representative of the decedent, as  
6 well as the Guardian ad Litem for the minor children to seek redress for the  
7 deprivation of the decedent's rights and for those damages that the decedent  
8 sustained and incurred before death, and that the decedent would have been  
9 entitled to recover, had he lived as defined by Section 377.34 of the California  
10 Code of Civil Procedure.

11 6. Plaintiffs, D. V. (A MINOR, SON OF KEITH VINYARD); W.V. (A MINOR,  
12 SON OF KEITH); M. S-V (A MINOR, DAUGHTER OF KEITH VINYARD);  
13 K.S. (A MINOR, SON OF KEITH VINYARD); AND E. S- C (A MINOR, SON  
14 OF KEITH VINYARD), at all times mentioned herein, were individuals residing in  
15 the COUNTY of Hesperia, State of California. The minor plaintiffs are the  
16 children of decedent, KEITH VINYARD. Plaintiffs, sue as individuals in their  
17 own right, and as the Personal Representatives of the Estate of KEITH VINYARD,  
18 as defined by Section 377.60 of the California Code of Civil Procedure, as a  
19 successor in interest, heir, and personal legal representative of the decedent to seek  
20 redress for the deprivation of the decedent's rights and for those damages that the  
21 decedent sustained and incurred before death, and the decedent would have been  
22 entitled to recover, had he lived as defined by Section 377.34 of the California  
23 Code of Civil Procedure.

24 7. Plaintiffs are informed and believe, and thereon allege that, at all relevant times  
25 herein, Defendant, COUNTY OF SAN BERNARDINO (hereinafter "COUNTY"  
26 or "defendant COUNTY" or "Defendants"), was a public entity duly organized and  
27 existing under the laws of the State of California.

- 1 8. Defendant County of San Bernardino is a Municipality and employer, of other  
2 defendants, con conspirator with other defendants, joint venturer, or in some other  
3 relationship with each of the other defendants. It is designated herein as  
4 Defendant, Defendants, OR County
- 5 9. The policy makers in charge of the discriminatory practices were Defendants  
6 JEREMY DEAN, Captain of the Hesperia Patrol Station, working in the capacity  
7 of the Acting Chief of Police and Sheriff SHANNON D. DICUS (Hereinafter also  
8 collectively referred to as “Defendants.”)
- 9 10. Defendants DOES 1-5 (“DOE POLICE OFFICERS”) are peace officers working  
10 for the County of San Bernardino Sheriff’s Department (“SBSD”). At all relevant  
11 times, DOE POLICE OFFICERS were acting under color of law within the course  
12 and scope of their duties as peace officers for the SBSD. DOE POLICE  
13 OFFICERS were acting with the complete authority and ratification of their  
14 principal, Defendant CITY.
- 15 11. Defendants DOES 6-10 are managerial, supervisorial, and policymaking  
16 employees of the SBSD, who were acting under color of law within the course and  
17 scope of their duties as managerial, supervisorial, and policymaking employees for  
18 the SBSD. DOES 6-10 were acting with the complete authority and ratification of  
19 their principal, Defendant CITY. Said Defendants are also designated herein as  
20 part of the DOE POLICE OFFICERS.
- 21 12. On information and belief, DOES 1-10 were residents of the County of San  
22 Bernardino and the Central District.
- 23 13. In doing the acts and failing and omitting to act as hereinafter described,  
24 Defendants DOE POLICE OFFICERS were acting on the implied and actual  
25 permission and consent of Defendants DOES 1-10 and the CITY.
- 26 14. The true names and capacities, whether individual, corporate, association or  
27 otherwise of Defendants DOES 1-10, inclusive, are unknown to Plaintiffs, who  
otherwise sue these Defendants by such fictitious names. Plaintiffs will seek leave

1 to amend their complaint to show the true names and capacity of these Defendants  
2 when they have been ascertained. Each of the fictitiously-named Defendants is  
3 responsible in some manner for the conduct or liabilities alleged herein.

4 15. At all times mentioned herein, each and every defendant was the co-conspirator  
5 with, and/or agent of each and every other defendant and had the legal duty to  
6 oversee and supervise the hiring, conduct, and employment of each and every  
7 defendant.

8 16. All of the acts complained of herein by Plaintiffs against Defendants were done  
9 and performed by said Defendants by and through their authorized agents,  
10 servants, and/or employees, all of whom at all relevant times herein were acting  
11 within the course, purpose, and scope of said agency, service, and/or employment  
12 capacity. Moreover, Defendants and their agents ratified all of the acts complained  
13 of herein.

14 17. DOES 1-10 are sued in their individual capacity as well as representative  
15 capacities.

16 18. On or about April 25, 2024, Plaintiffs filed comprehensive and timely claims for  
17 damages with the COUNTY, as well as the City of Hesperia pursuant to applicable  
18 sections of the California Government Code.

19 **FACTUAL ALLEGATIONS**

20 19. On March 23, 2024, Keith Vinyard was shot and killed by San Bernardino County  
21 Sheriffs Deputies and Hesperia Police Officers. He did not need to die. Their  
22 actions violated the civil rights of Mr. Vinyard and his family. Here is what  
23 occurred:

24 20. On March 23, 2024 at approximately 2130-2150 hours, deputies from the San  
25 Bernardino County Sheriff's Department – Hesperia Station were attempting to  
26 locate Mr. Keith Vinyard and arrest him for an outstanding warrant. Deputies  
27 responded to his wife's home and, after they were unable to locate him there,  
28 subsequently found him driving nearby. Deputies claim they initiated a traffic stop

1 and Mr. Vinyard failed to yield, leading deputies on a vehicle pursuit. The pursuit  
2 terminated when Mr. Vinyard crashed his compact Buick Encore SUV into a dirt  
3 gulley near the 15400 block of Halinor Avenue in the City of Hesperia. A short  
4 time after the pursuit ended, on-scene law enforcement personnel shot and killed  
5 Mr. Vinyard.

6 21. Initial media reports, citing sources from within the San Bernardino County  
7 Sheriff's Department, indicate that at the termination of the pursuit, Mr. Vinyard  
8 was shot and killed when he "...confronted the officers militantly while equipping  
9 himself with a large metal object and threatening violence." That report was  
10 untrue. Mr. Vinyard was not threatening the officers at all. He was not holding  
11 any such object and he did not leave his car before being shot multiple times.

12 22. It was further reported that deputies immediately initiated life-saving efforts which  
13 continued until the arrival of emergency medical personnel. However, those  
14 reports were wrong. Deputies did not render any type of life saving efforts until  
15 the ambulance was heard, and they just performed a perfunctory effort of supposed  
16 life saving measures to make it appear they were not engaged in deliberate  
17 indifference to Mr. Vinyard's needs.

18 23. Based on information and belief, the officers were standing around Mr. Vinyard  
19 for approximately 10 minutes before they fired approximately 3-6 gunshots. Mr.  
20 Vinyard suffered with pain, suffering and agony after being shot and before he  
21 died. Subsequently deputies, with guns drawn, approached Mr. Vinyard's vehicle.  
22 They appeared to force open the driver's side door of Mr. Vinyard's vehicle in  
23 order to dislodge the door from the dirt and remove his apparently lifeless body  
24 from the vehicle. Deputies laid Mr. Vinyard's body on the ground and made no  
25 attempts to perform life-saving efforts for approximately 10-15 minutes. They  
26 appeared to intentionally stand in a manner that shielded Mr. Vinyard's body from  
27 public view, hoping to obscure the truth and hide their wrongdoing.

28 24. Upon the arrival of emergency medical personnel, one of the deputies kneeled

1 down to Mr. Vinyard's body and appeared to be pretending to perform CPR until  
2 relieved by medical personnel.

3 25. During the immediate aftermath of the shooting, deputies were seen speaking to  
4 each other in very low voices and walking indirect routes around the shooting  
5 scene in what appeared to be an obvious attempt to prevent onlookers from seeing  
6 or hearing what they were doing.

7 26. The San Bernardino County Sheriff's Department have conceded publicly that Mr.  
8 Vinyard did not possess a firearm at the time he was shot to death nor did they  
9 make any assertion that he possessed any type of projectile weapon that could have  
10 been used to assault any on-scene law enforcement personnel. There was no  
11 credible threat to law enforcement and thus, no justification for them to use lethal  
12 force. Mr. Vinyard did not exit his vehicle at the termination of the vehicle  
13 pursuit and crash into the gulley. His front driver's side door could only be opened  
14 slightly (about 13") due to the surrounding terrain. The right front passenger seat  
15 was stacked with personal belongings that would have made it very difficult for a  
16 man of his size to crawl over the center console and exit the passenger side of the  
17 compact SUV he was driving. Mr. Vinyard did not exit the vehicle until he was  
18 dragged out by deputies after being shot.

19 27. Between January 29, 2024, and prior to March 23, 2024, Mr. Vinyard traveled to  
20 Iowa and then to Las Vegas. While in Las Vegas, he was pulled over by a law  
21 enforcement agency who advised him that he had an outstanding warrant in  
22 California. They did not arrest him. The fact that Mr. Vinyard had prior contacts  
23 with law enforcement without any violence underscores why there was no  
24 justification for the defendants in this case to use any force or violence upon him in  
25 violation of his civil rights, the Bane Act, Ralph Act and other State civil claims.

26 28. Defendants employed poor tactics. At the termination of the pursuit, based on  
27 information and belief, deputies yelled at Mr. Vinyard to get out of the car before  
28 the shooting occurred. Modern law enforcement tactics dictate that when

1           deputies/officers encounter a suspect who does not respond as ordered while in a  
2           stopped vehicle, absent exigent circumstances, the situation should be treated as a  
3           barricaded suspect. In this case, deputies are responsible for containing the scene,  
4           maintaining observation of the vehicle and the occupants from a position of  
5           cover/concealment, and requesting specialized resources such as crisis negotiators  
6           and special weapons and tactics teams. These tactics could and should have been  
7           followed to provide the maximum opportunity for the peaceful and safe  
8           apprehension of Mr. Vinyard. The failure to employ adequate tactics demonstrates  
9           general negligence including negligent supervision and negligent retention of  
10           officers/deputies that based on information and belief have prior incidents of  
11           excessive force and racial profiling. The actions were also an assault, battery and  
12           civil rights violation.

13           29. The pursuit ended at the 15400 block of Halimor Street in Hesperia. Two deputies  
14           were present and it is believed both fired through the passenger side door/window  
15           at Mr. Vinyard. Defendants have not released the deputies names yet. Instead,  
16           Deputies falsely reported that Mr. Vinyard threatened to shoot the deputies. This  
17           is false. He had no gun. He made no such threat. Mr. Vinyard was stuck in a ditch  
18           and could not get out of the car in any event. The area was well lit by helicopter  
19           lights providing deputies and officers with a clear vision of Mr. Vinyard who was  
20           needlessly killed, while the community was placed in danger because of officers  
21           wanton disregard of the safety of the community when shooting their guns without  
22           justification.

23           30. Defendants were deliberately indifferent to the medical needs of Mr. Vinyard.  
24           They dragged the body out and stood side by side like they were blocking citizen's  
25           views. EMTs didn't arrive until ten or fifteen minutes later. Only when EMTs  
26           showed up did one officer lean down like he was performing CPR. It looked like  
27           the officer pretended to do CPR as a show to the EMT truck that was driving up.

28           31. Based on information and belief. Mr. Vinyard was not taken to the hospital.

1 Instead, he remained in the street for hours at least, until the coroner arrived on or  
2 about March 24, 2024.

3 32. Based on information and belief, Defendants have prior complaints of excessive  
4 force, covering up such claims and or writing or making false allegations in police  
5 reports and/or other acts of violence or excessive force brought against defendant  
6 COUNTY.

7 33. As a direct and legal result of Defendants' excessive force, KEITH succumbed to  
8 his gun shot wounds and died shortly after. After KEITH's unjustifiable shooting,  
9 he was left suffering on the cold hard pavement. Before he died, KEITH suffered  
10 with extreme pain, suffering and emotional distress.

11 34. The action of the defendants were deliberately indifferent, intentional, and or  
12 otherwise a legal cause of the harm and injury to KEITH. Moreover, they were  
13 carried out with malice, fraud and/or oppression in conscious disregard of the  
14 health, safety and life of Mr. Vinyard. Accordingly, punitive damages are sought  
15 against the individual defendants (but not Municipal defendants as they are  
16 immune from punitive damages.) Economic and non economic damages are  
17 sought against all defendants, as are litigation costs, civil penalties, attorneys fees  
18 and such other damages as proven at time of trial, and in excess of the minimum  
19 jurisdiction of this court..

20

21 **FIRST CLAIM FOR RELIEF**

22 **FOR UNREASONABLE SEIZURE OF PERSON**

23 **BY THE PLAINTIFFS**

24 **AGAINST THE INDIVIDUAL DEFENDANTS**

25 35. Each and every allegation set forth in the preceding paragraphs is incorporated  
26 herein by this reference with the same effect as if realleged herein.

27 36. Under the Fourth Amendment, a police officer may use only such force as is  
28 "objectively reasonable" under all of the circumstances.

1 37. As alleged in detail herein, Defendants shot and killed KEITH without  
2 provocation, good cause, or any legal justification.  
3 a. Deadly force was completely unnecessary. KEITH had no weapon and was  
4 trapped inside of his car so he could not harm anybody.  
5 b. Defendants created a deadly and unsafe environment for KEITH and other  
6 bystanders by failing to identify themselves and immediately resorting to  
7 deadly force without any necessity.  
8 c. There was no known call for police service and while KEITH was involved  
9 in a pursuit, that does not authorize deadly force.  
10 d. There was no probable cause for a reasonable officer to believe that KEITH  
11 had committed a crime involving the infliction or threatened infliction of  
12 serious physical harm or any crime, or that he was an immediate threat of  
13 harm or injury to anyone.  
14 e. It was more than practical for the officers to give warning of the imminent  
15 use of force, but no such warnings were given. Instead, the officers decided  
16 to “shoot first and ask questions later.” As such, they acted as the “judge,  
17 jury and executioner” of KEITH.  
18 38. Despite the totality of the circumstances fully reflective that any force, let alone  
19 deadly force, was unnecessary, Defendants shot and killed KEITH.  
20 39. KEITH did not die immediately and thus he endured pain, suffering, fear and  
21 emotional distress before his death.  
22 40. At all relevant times, Defendants were police officers, sheriffs deputies and or their  
23 supervisors or managers.  
24 41. At all relevant times, Defendants acted under color of state law.  
25 42. The act of Defendants and each of them deprived decedent of his rights under the  
26 United States Constitution.  
27 43. Defendants directed other Defendants in the act that deprived decedent of his  
28 constitutional rights; OR

1 44. Defendants set in motion a series of acts by other Defendants, or knowingly refused  
2 to terminate a series of acts by Defendants that Defendants knew or reasonably  
3 should have known would cause the defendants to deprive decedent of these rights;  
4 OR

5 45. Defendants knew that the other Defendants were engaging in these acts and knew  
6 or reasonably should have known that Defendants conduct would deprive decedent  
7 of these rights; and Defendants failed to act to prevent other Defendants from  
8 engaging in such conduct; OR

9 46. Defendants disregarded the known or obvious consequence that a particular  
10 training deficiency or omission would cause other Defendants to violate decedent's  
11 constitutional rights; and that deficiency or omission actually caused Defendants  
12 to deprive decedent of his constitutional rights; OR Defendants each engaged in  
13 conduct that showed a reckless or callous indifference to the deprivation by the  
14 subordinate of the rights of others.

15 47. Defendants conduct was so closely related to the deprivation of decedent's rights as  
16 to be the moving force that caused the ultimate injury.

17 48. The conduct of defendants directly and legally caused KEITH VINYARD'S death.  
18 That death resulted in medical, hospital and surgical bills, burial and funeral  
19 expenses, loss of earnings or earnings capacity, pain, suffering, loss of support and  
20 other damages.

21 49. As a direct result of the conduct of defendants, Plaintiffs have suffered with  
22 economic and non economic damages in a sum according to proof at time of trial,  
23 and in excess of the minimum jurisdiction of this court.

24 50. The damages that plaintiffs suffered from also include, but are not limited to, loss  
25 of consortium, loss of companionship, care, love and affection, past, present and/or  
26 future medical, psychological, psychiatric and/or hospital bills and expenses for  
27 treatment for pain, suffering, emotional distress and other injuries caused by the  
28 conduct of defendants and each of them. General (non economic) damages are also

sought for emotional distress, grief, anger, fear, trepidation, and chagrin, in a sum according to proof and in excess of the minimum jurisdiction of this court as well as for the loss of the use of money, pre and post judgment interest, litigation costs, attorneys' fees, civil penalties and fines as allowed by law, and such other damages set out during trial.

51. The aforementioned acts of said defendants were willful, wanton, malicious and oppressive and said misconduct shocks the conscience thereby justifying the awarding of exemplary and punitive damages as to all non-municipal defendants. NO punitive damages are sought against the COUNTY of San Bernardino or City of Hesperia which are statutorily immune from such claims.

## **SECOND CLAIM FOR RELIEF**

### **DELIBERATE INDIFFERENCE TO MEDICAL NEEDS**

#### **BY THE PLAINTIFFS**

#### **AGAINST THE INDIVIDUAL DEFENDANTS**

52. Each and every allegation set forth in the preceding paragraphs is incorporated herein by this reference with the same effect as if re-alleged herein.

53. After shooting Mr. Vinyard, defendants and each of them failed to render aid to Mr. Vinyard, who was bleeding from approximately three different bullet wounds. It was not until the ambulance was arriving a significant time later that any feigned attempt was made to try and resuscitate Mr. Vinyard.

54. Defendant made an intentional decision regarding the denial of needed medical care.

55. The denial of needed medical care put the decedent at substantial risk of suffering serious harm.

56. Defendants did not take reasonable available measures to abate or reduce the risk of serious harm, even though a reasonable officer under the circumstances would have understood the high degree of risk involved—making the consequences of the

1 defendant's conduct obvious.

2 57. By not taking such measures the defendant caused the plaintiff's injuries.

3 58. The conduct of defendants directly and legally caused KEITH VINYARD'S death.

4 That death resulted in medical, hospital and surgical bills, burial and funeral

5 expenses, loss of earnings or earnings capacity, pain, suffering, loss of support and

6 other damages.

7 59. As a direct result of the conduct of defendants, Plaintiffs have suffered with

8 economic and non economic damages in a sum according to proof at time of trial,

9 and in excess of the minimum jurisdiction of this court.

10 60. The damages that plaintiffs suffered from also include, but are not limited to, loss

11 of consortium, loss of companionship, care, love and affection, past, present and/or

12 future medical, psychological, psychiatric and/or hospital bills and expenses for

13 treatment for pain, suffering, emotional distress and other injuries caused by the

14 conduct of defendants and each of them. General (non economic) damages are also

15 sought for emotional distress, grief, anger, fear, trepidation, and chagrin, in a sum

16 according to proof and in excess of the minimum jurisdiction of this court as well

17 as for the loss of the use of money, pre and post judgment interest, litigation costs,

18 attorneys' fees, civil penalties and fines as allowed by law, and such other

19 damages set out during trial.

20 61. The aforementioned acts of said defendants were willful, wanton, malicious and

21 oppressive and said misconduct shocks the conscience thereby justifying the

22 awarding of exemplary and punitive damages as to all non-municipal defendants.

23 NO punitive damages are sought against the COUNTY of San Bernardino or City

24 of Hesperia which are statutorily immune from such claims.

25

26 **THIRD CLAIM FOR RELIEF**

27 **MUNICIPAL LIABILITY FOR VIOLATION**

28 **OF CONSTITUTIONAL RIGHTS (MONELL LIABILITY)**

1 **BY ALL PLAINTIFFS AGAINST DEFENDANTS**

2 **COUNTY OF SAN BERNARDINO**

3 62. Each and every allegation set forth in the preceding paragraphs is incorporated  
4 herein by this reference with the same effect as if re-alleged herein.

5 63. This action is brought pursuant to 42 U.S.C. §1983 for violation of Plaintiffs'  
6 rights under the Fourth and Fourteenth Amendments.

7 64. SHANNON D. DICUS is the Sheriff for County of San Bernardino.(hereinafter  
8 Defendant, part of Defendants or Sheriff.)

9 65. Defendant JEREMY DEAN, Captain of the Hesperia Patrol Station, working in the  
10 capacity of the Acting Chief of Policeof the City of Hesperia. (hereinafter  
11 Defendant, part of Defendants or Chief.)

12 66. While serving as Police Chief, and Sheriff respectively Defendants were the final  
13 policy-making authorities for police policy in the City of Hesperia and County of  
14 Hesperia respectively..<sup>1</sup>

15 67. Chief and Sheriff exercised control and management over the City's and County's  
16 police department/ Sheriff's Department and they were the final policymakers for  
17 Defendants..

18 68. As police chief and Sheriff respectively, defendants promulgated policies wherein  
19 police officers and deputies were ordered and encouraged to stop, detain, arrest,  
20 forcefully seize, and/or prosecute members of our community. Defendants  
21 implemented policies, procedures and practices that deprived Mr. Vinyard of his  
22 rights under the laws of the United States and the United States Constitution.

23 69. Defendants implemented an express policy, custom, or widespread practice of

24  
25 

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<sup>1</sup>*Harper v. City of Los Angeles*, 533 F.3d 1010, 1025 (9th Cir. 2008) (police chief is  
26 final policymaker for City of Los Angeles, rendering City liable for police chief's  
27 "decision that deprived plaintiffs of their constitutional rights"); *Trevino v. Gates*, 99 F.3d  
28 911, 920 (9th Cir. 1996) ("As to matters of police policy, the chief of police ... may be  
considered the person possessing final policy-making authority.").

1 targeting people for excessive force, rather than engaging in constitutional  
2 policing. The defendants had deliberate indifference to the violations of  
3 constitutional rights for people. Defendants had a policy to violate Federal Law  
4 and the US Constitution by deprivation of equal protection, substantive and  
5 procedural due process rights and illegal searches and seizures.

6 70. At all relevant times herein, plaintiffs suffered constitutional deprivations by  
7 Defendants implementing the unconstitutional policies of the defendants.

8 71. Sheriff and Chief ratified the unconstitutional actions of subordinates by  
9 continually rewarding officers for unconstitutional conduct through awards,  
10 positive evaluations, better assignments, promotions, and increased  
11 income/overtime. Thus, the policy, practice and custom of defendants resulted in  
12 violating the rights of people to be free from violating equal protection,  
13 unreasonable seizures, unlawful arrests, and excessive force. Thereafter in  
14 violation of Plaintiffs' due process rights Defendants proceeded to falsify evidence,  
15 and submit false police reports as well as to delay medical treatment so that Mr.  
16 Vinyard would die.

17 72. At the time of these constitutional violations, defendants CITY and COUNTY had  
18 policies in place, and had ratified customs and practices which permitted and  
19 encouraged their police officers to violate the US Constitution.

20 73. Said policies, customs and practices also called for the City and its Police  
21 Department as well as the County and its Sheriff's Department not to discipline,  
22 prosecute, or objectively or independently investigate known incidents and  
23 complaints of unconstitutional violations of the rights of individuals' under the  
24 Fourth and Fourteenth Amendments to the U.S. Constitution. These violations  
25 were exacerbated by defendants lack of properly training its officers in  
26 constitutional policing.

27 74. Defendant CITY and COUNTY was aware of and deliberately indifferent to a  
28 pervasive and widespread pattern and practice within the Sheriffs Department and

1 Police Department to violate the rights of individuals' rights under the Fourth and  
2 Fourteenth Amendments to the U.S. Constitution. Said defendants failed to take  
3 any reasonable measures to correct this pattern and practice and as a result ratified  
4 the actions, and Defendants have been deliberately indifferent to the civil rights  
5 violations which resulted in death to Mr. Vinyard.

6 75. Said customs and practices called for said defendants, by means of inaction and  
7 coverup, to encourage an atmosphere of lawlessness within the police department  
8 and to encourage their police officers to believe that engaging in illegal searches,  
9 seizures, due process violations and violations of Equal Protection was permissible,  
10 and that such conduct would be overlooked or would not result in any discipline  
11 for Defendants employees violating the civil rights of citizens demonstrating  
12 ratification of these customs and practices.

13 76. Said policies, customs and practices of said Defendants and each of them  
14 evidenced a deliberate indifference to the violations of the constitutional rights of  
15 Plaintiffs. This indifference was manifested by the failure to change, correct,  
16 revoke, or rescind or otherwise address said customs and practices in light of prior  
17 knowledge by said defendants and their subordinate policymakers of  
18 indistinguishably similar incidents of unjustified, unreasonable and unlawful  
19 arrests, falsification of evidence and police reports, excessive force and other  
20 constitutional violations against citizens.

21 77. Defendants and each of them demonstrated a deliberate indifference to the civil  
22 rights of Plaintiffs, as further evidenced by defendants ignoring the history and  
23 pattern of prior civil lawsuits alleging civil rights violations, similar to those  
24 alleged herein, arising from such misconduct and the related payment of judgments  
25 or settlements of such suits, including those alleging improper shootings and  
26 killings without justification.

27 78. Deliberate indifference is also evidenced by an absence of or by maintenance of an  
28 inadequate system of tort claims tracking and by maintaining an inadequate system

1 of officer discipline and independent and objective investigation by the City and its  
2 police department and County and its Sheriff's Department which failed to identify  
3 and investigate instances of false and unlawful arrests, excessive force, falsification  
4 of evidence, denial of equal protection and other acts of wrong doing towards  
5 individuals.

6 79. Deliberate indifference to the civil rights of victims of the Defendants's unlawful  
7 arrests and falsified evidence was also evidenced by the failure of said defendants  
8 to adequately train and more closely supervise or retrain officers and/or discipline  
9 or recommend prosecution of those officers who engaged in unconstitutional  
10 actions towards plaintiffs.

11 80. Other systemic deficiencies of said defendants which indicated, and continue to  
12 indicate, a deliberate indifference to the violations of the civil rights by the officers  
13 of the Defendants towards plaintiffs include unjustified killing, shooting and  
14 issuance of public statements exonerating officers involved in such incidents prior  
15 to the completion of investigations of wrongful arrests or that are contradicted by  
16 actual evidence;

17 81. Said defendants also maintained a system of grossly inadequate training pertaining  
18 to the lawful making of arrests, police ethics, the law pertaining to searches and  
19 seizures, testifying in trial and perjury, the collection of evidence, and the  
20 preparation of police reports regarding the arrests of, injuries to and killing of  
21 members of the community..

22 82. The foregoing acts, omissions, and systemic deficiencies are practices and customs  
23 of said defendants as such caused, permitted and/or allowed under official sanction  
24 Defendants intentionally overlooked and ignored the rules and laws governing the  
25 unconstitutional actions towards members of our community.

26 83. The foregoing acts, omissions, and systemic deficiencies are practices and customs  
27 of said defendants which caused, permitted and/or allowed under official sanction  
28 said police officer defendants to believe that unconstitutional arrests would not

1 result in any discipline of them.

2 84. Plaintiffs are informed and believe that, unless restrained and enjoined by this  
3 court, defendant City and defendant County will continue with its unconstitutional  
4 policy towards members of our community. It is extremely likely that defendants  
5 will continue with such unconstitutional violations.

6 85. As a direct and legal result of the defendants actions, the plaintiffs were harmed,  
7 and are entitled to economic and non economic damages in excess of the minimum  
8 jurisdiction of this court, to attorneys fees, litigation costs, fines, penalties, interest  
9 and such other relief as the court deems just and proper.

10  
11 **FOURTH CLAIM FOR RELIEF**  
12 **FOR CIVIL BATTERY**  
13 **BY ALL PLAINTIFFS**

14 **AGAINST BY ALL PLAINTIFFS AGAINST DEFENDANTS**

15 86. Each and every allegation set forth in the preceding paragraphs is incorporated  
16 herein by this reference with the same effect as if re-alleged herein.

17 87. Pursuant to Cal. Government Code §§ 815.2, 815.3, Defendants COUNTY and  
18 City of Hesperia are liable for the acts and/or omissions of Defendants since the  
19 individual defendants committed the afore stated acts, in the course and scope of  
20 employment.

21 88. As alleged in detail herein, on or about March 23, 2024, Doe Defendants shot and  
22 killed KEITH VINYARD without provocation, good cause, or any legal  
23 justification. This intentional act was harmful and offensive to KEITH VINYARD  
24 who did not consent to the shooting, or being killed. He did not die immediately  
25 and thus he endured pain, suffering, fear and emotional distress before his death.

26 89. The conduct of Defendants directly and legally caused KEITH VINYARD' death.  
27 That death resulted in medical, hospital and surgical bills, burial and funeral  
28 expenses.

1 90. As a direct result of the conduct of defendants, Plaintiffs have suffered with  
2 economic and non economic damages in a sum according to proof at time of trial,  
3 and in excess of the minimum jurisdiction of this court.

4 91. The damages that plaintiffs suffered from also include, but are not limited to  
5 economic damages including without limitation, loss of past, present and/or future  
6 medical, psychological, psychiatric and/or hospital bills and expenses for treatment  
7 for pain, suffering, emotional distress and other injuries caused by the conduct of  
8 defendants and each of them. Non-economic or general damages are also sought  
9 for all such damages allowed by law, which include without limitation, emotional  
10 distress, grief, anger, fear, trepidation, and chagrin, loss of consortium, loss of  
11 companionship, care, love and affection in a sum according to proof and in excess  
12 of the minimum jurisdiction of this court as well as for the loss of the use of  
13 money, pre and post judgment interest, litigation costs, attorneys' fees and such  
14 other damages set out during trial.

15 92. The aforementioned acts of said defendants were willful, wanton, malicious and  
16 oppressive and said misconduct shocks the conscience thereby justifying the  
17 awarding of exemplary and punitive damages as to all non-municipal defendants.  
18 NO punitive damages are sought against the COUNTY of San Bernardino nor the  
19 CITY of Hesperia which are statutorily immune from such claims.

20 **FIFTH CLAIM FOR RELIEF**

21 **WRONGFUL DEATH**

22 **BY THE PLAINTIFFS**

23 **AGAINST ALL DEFENDANTS**

24 93. Each and every allegation set forth in the preceding paragraphs is incorporated  
25 herein by this reference with the same effect as if realleged herein.

26 94. Pursuant to Cal. Government Code §§ 815.2, 815.3, Defendants COUNTY and  
27 CITY are liable for the acts and/or omissions of the individual Defendants since  
28 committed in the course and scope of employment.

1 95. The actions of defendants and each of them, were carried out under color of  
2 authority as the COUNTY of San Bernardino deputies and City of Hesperia  
3 officers were acting within the course and scope of their employment at all relevant  
4 times.

5 96. On or about March 23, 2024, Defendants acting in their official capacity as peace  
6 officers for the COUNTY of San Bernardino, and/or CITY of Hesperia had in their  
7 possession weapons issued, and approved by their employer the COUNTY of San  
8 Bernardino and/or CITY of Hesperia . Defendants used their weapons to kill  
9 KEITH VINYARD by shooting him multiple times without justification.

10 97. As a direct, legal and proximate result of the shooting, Plaintiffs have sustained  
11 pecuniary and non-pecuniary damages resulting from the loss of society, comfort,  
12 companionship, attention, services and support of the decedent in an amount in  
13 excess of the jurisdictional limit of the Court and subject to proof at trial.

14 98. As a further direct, legal and proximate result of the acts or omissions of the  
15 aforesaid defendants as herein alleged, plaintiffs have incurred special damages,  
16 including but not limited to KEITH VINYARD' funeral and burial damages, in  
17 excess of the jurisdictional limit of this Court and subject to proof at trial.

18 99. As further proximate result of the acts or omissions on the part of the defendants,  
19 plaintiffs have sustained pecuniary damages resulting from the loss of financial and  
20 household contributions that decedent could have reasonably been expected to  
21 provide had he not been killed.

22 100. The aforementioned acts of said defendants were willful, wanton, malicious and  
23 oppressive and said misconduct shocks the conscience thereby justifying the  
24 awarding of exemplary and punitive damages as to all non-municipal defendants.  
25 No punitive damages are sought against defendant COUNTY. It is statutorily  
26 immune.

27 **SIXTH CLAIM FOR RELIEF**  
28 **FOR NEGLIGENCE**

1 **BY ALL PLAINTIFFS**

2 **AGAINST ALL DEFENDANTS**

3 101. Each and every allegation set forth in the preceding paragraphs is incorporated  
4 herein by this reference with the same effect as if realleged herein.

5 102. The COUNTY and CITY of Hesperia are vicariously liable for the wrongful acts of  
6 the individual Defendants pursuant to section 815.2(a) of the California  
7 Government Code, which provides that a public entity is liable for the injuries  
8 caused by its employees within the course and scope of the employment if the  
9 employee's act would subject him or her to liability.

10 103. Police officers, and Deputies including all individual Defendants have a duty to use  
11 reasonable care to prevent harm or injury to others. This duty includes using  
12 appropriate tactics, giving appropriate commands, giving warnings, and not using  
13 any force unless necessary, using less than lethal options, and only using deadly  
14 force as a last resort.

15 104. Defendants breached this duty of care. The actions and inactions of Defendants  
16 were negligent and reckless, including but not limited to:

17 a. the failure to properly and adequately assess the need to use deadly force  
18 against DECEDENT;

19 b. the negligent tactics and handling of the situation with DECEDENT,  
20 including pre-shooting negligence;

21 c. the negligent use of deadly force against DECEDENT;

22 d. the failure to provide prompt medical care to DECEDENT;

23 e. the failure to properly train and supervise employees, both professional and  
24 non-professional, including YUEN and AHMED, with respect to the use of  
25 deadly force;

26 f. the failure to ensure that adequate numbers of employees with appropriate  
27 education and training were available to meet the needs of and protect the  
28 rights of DECEDENT;

1 g. Ratification of prior acts of excessive force, or fabrication of evidence; and  
 2 h. the negligent communication of information during the incident.

3 105. As a direct and proximate result of Defendants' conduct as alleged above, and other  
 4 undiscovered negligent conduct, DECEDENT was caused to suffer severe pain and  
 5 suffering and ultimately died. Plaintiffs also have been deprived of the life-long  
 6 love, companionship, comfort, support, society, care and sustenance of  
 7 DECEDENT, and will continue to be so deprived for the remainder of their natural  
 8 lives.

9 106. Plaintiffs bring this claim individually and as successors in interest to DECEDENT,  
 10 and seek both wrongful death and survival damages under this claim.

11 **SEVENTH CLAIM FOR RELIEF**

12 **BANE ACT BY THE PLAINTIFFS**

13 **AGAINST ALL DEFENDANTS**

14 107. Each and every allegation set forth in the preceding paragraphs is incorporated  
 15 herein by this reference with the same effect as if realleged herein.

16 108. Defendants acted violently against KEITH to prevent him from exercising his rights  
 17 under federal and state laws, e.g., freedom of bodily integrity, freedom from  
 18 unlawful seizure, freedom from unlawful restraint on movement/liberty.

19 109. Defendants intended to deprive KEITH of his enjoyment of the interests protected  
 20 by federal and state laws.

21 110. KEITH was harmed as were the other plaintiffs herein.

22 111. Defendants' conduct was a substantial factor in causing KEITH's harm.

23 112. The conduct of defendants directly and legally caused KEITH VINYARD' death.  
 24 That death resulted in medical, hospital and surgical bills, burial and funeral  
 25 expenses.

26 113. As a direct result of the conduct of defendants, Plaintiffs have suffered with  
 27 economic and non economic damages in a sum according to proof at time of trial,  
 28 and in excess of the minimum jurisdiction of this court.

1 114. The damages that plaintiffs suffered from also include, but are not limited to, loss of  
2 consortium, loss of companionship, care, love and affection, past, present and/or  
3 future medical, psychological, psychiatric and/or hospital bills and expenses for  
4 treatment for pain, suffering, emotional distress and other injuries caused by the  
5 conduct of defendants and each of them. General damages are also sought for  
6 emotional distress, grief, anger, fear, trepidation, and chagrin, in a sum according to  
7 proof and in excess of the minimum jurisdiction of this court as well as for the loss  
8 of the use of money, pre and post judgment interest, litigation costs, attorneys' fees  
9 and such other damages set out during trial.

10 115. The aforementioned acts of said defendants were willful, wanton, malicious and  
11 oppressive and said misconduct shocks the conscience thereby justifying the  
12 awarding of exemplary and punitive damages as to all non-municipal defendants.  
13 NO punitive damages are sought against the COUNTY of San Bernardino and/or  
14 CITY of Hesperia which are statutorily immune from such claims.

15 **EIGHTH CLAIM FOR RELIEF**

16 **Failure to Furnish / Summon Medical Care (California State Law, California  
17 Government Code §§ 844.6 and 845.6.)**

18 **(Against INDIVIDUAL DEFENDANTS, and DOES 1-10)**

19 116. Plaintiffs re-allege and incorporate by reference the allegations contained in this  
20 complaint, as though fully set forth herein.

21 117. Defendants owed decedent a duty of care to provide him immediate medical and  
22 health care.

23 118. The conduct of Defendants alleged herein, including but not limited to the facts that  
24 Defendants knew or had reason to know that decedent was in need of immediate  
25 medical and mental health care and that Defendants failed to take reasonable action  
26 to summon or provide that care, resulting in decedent's death as alleged herein,  
27 violated California state law, including Cal. Govt. Code §§ 844.6 and 845.6.

1 119. The alleged conduct of Defendants was committed within the course and scope of  
2 their employment.

3 120. As a direct and proximate result of Defendants' breach, Plaintiffs suffered injuries  
4 and damages causing great pain and leading to her death, as alleged herein.

5 121. The aforementioned acts of Defendants were willful, wanton, malicious, and  
6 oppressive, thereby justifying an award of exemplary and punitive damages to  
7 punish the wrongful conduct alleged herein and to deter such conduct in the future.

8

9 WHEREFORE, Plaintiffs pray for the following:

10 1. Compensation for both economic and non-economic damages suffered and to  
11 be suffered;

12 2. Legal and other expenses incurred by Plaintiffs;

13 3. Compensatory damages and nominal damages caused by deprivation of  
14 Plaintiff's constitutional rights;

15 4. Litigation costs;

16 5. Attorneys' fees, as allowed by statute;

17 6. Interest;

18 7. Civil Penalties as allowed by law.

19 8. Punitive damages (against the non-municipal Defendants only);

20 9. Survival benefits, and pain and suffering of decedent before he died.

21 10. Any other relief or damages allowed by law, or statutes not set out above, and  
22 such further relief as this Court deems just and proper at conclusion of trial.

23

24 Date: July 12, 2024

Respectfully Submitted,  
Brad Gage Law, APC

25

26 By /Bradley C. Gage  
27 Bradley C. Gage  
Milad Sadr  
28 Attorneys for Plaintiffs

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2 Cases\V\VINYARD v San Bernardino County\PLEADINGS\COMPLAINT\7-12-24  
2 COMPLAINT FOR DAMAGES fin rev.wpd